

**REMARKS**

In an Office Action dated May 18, 2005, the Examiner rejected claims 1-4, 7-10, 12, 14, 16, 17, and 19 under 35 U.S.C. §102(b) as being anticipated by Murasawa et al. (U.S. patent no. 6,760,594, hereinafter referred to as "Murasawa"). The Examiner rejected claims 6, 13, and 20 under 35 U.S.C. §103(a) as being unpatentable over Murasawa in view of Declerck et al. (U.S. patent application publication no. 2002/0128013) and rejected claims 5, 11, 15, and 18 under 35 U.S.C. §103(a) as being unpatentable over Murasawa in view of Mangal et al. (U.S. patent no. 6,865,398). The rejections are traversed and reconsideration is hereby respectfully requested.

The Examiner rejected claims 1-4, 7-10, 12, 14, 16, 17, and 19 under 35 U.S.C. §102(b) as being anticipated by Murasawa. Specifically, with respect to claim 1, the Examiner contended that Murasawa teaches a method of connecting a priority call in a wireless communication system comprising the steps of receiving a call-setup request from a mobile unit (FIG. 6, element 7 (the mobile unit); col. 3, lines 43-45; FIG. 4, step S21), determining RF conditions from the call setup request (FIG. 6, element 27; col. 9, lines 22-27; FIG. 4, step S22), determining whether to utilize either a Base Station Controller (BSC) or a base station for channel assignment based on the RF conditions (FIG. 6, element 28; col. 9, lines 28-31; FIG. 4, step S22) and assigning a channel to the mobile unit (FIG. 6, element 28; col. 9, lines 32-35; FIG. 4, step S24). The applicants respectfully disagree and believe that the Examiner has misapplied Murasawa to the pending application.

As noted by the Examiner, Murasawa teaches a method of connecting a priority call in a wireless communication system. Throughout, Murasawa consistently teaches a centralized channel assignment mechanism, that is, channel assignment mechanism 20, that preferably is located in a base station transceiver subsystem (BTS) (FIG. 6). However, regardless of where located, this is a single, centralized channel assignment mechanism. Murasawa then teaches that when a mobile station originates a priority call, a BSC requests a channel assignment from a BTS. The BTS then determines if a channel is available for assignment to the mobile station. If a channel is available then the BTS assigns a channel. If no channel is available, then the BTS so informs the BSC. In the

latter instance, the prior art then teaches the BSC disconnecting a call and re-requesting a channel assignment from the BTS. In response to the re-request, the BTS then assigns a channel and informs the BSC of the assigned channel. In order to avoid disconnecting a call, Murasawa teaches that channel assignment mechanism 20 utilizes several channel thresholds in making channel assignments, including a lower, "design" threshold that corresponds to a maximum number of channels that may be assigned to non-priority calls and higher, "maximum" and "critical" thresholds that are utilized to assure channel availability for priority calls. Nowhere does Murasawa teach the hierarchically-distributed channel assignment mechanism of claim 1, that is, a mechanism whereby channel assignment may occur in a base station under one condition and in a BSC upstream from the base station under another condition.

Therefore, nowhere does Murasawa teach the features of claim 1 of determining whether to utilize either a Base Station Controller (BSC) or a base station for channel assignment based on RF conditions and assigning a channel to the mobile unit by either the BSC or the base station based on the determination. Accordingly, the applicants respectfully request that claim 1 may now be passed to allowance.

Since claims 2-8 depend upon allowable claim 1, the applicants respectfully request that claims 2-8 may now be passed to allowance.

Claims 9 and 16 provides a method and apparatus for call setup that include determining whether to utilize either a BSC or a base station for channel assignment based on RF conditions and a type of call to be set up and assigning a channel to the mobile unit via either the BSC or the base station based on the determination. As noted above, such features are not taught by Murasawa. Accordingly, the applicants respectfully request that claims 9 and 16 may now be passed to allowance.

Since claims 10-15 depend upon allowable claim 9 and claims 17-20 depend upon allowable claim 16, the applicants respectfully request that claims 10-15 and 17-20 may now be passed to allowance.

As the applicants have overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, the applicants contend that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the applicants respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Respectfully submitted,  
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